

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

JOAN L. SMITH,

Plaintiff

v.

UNUM LIFE INSURANCE  
COMPANY OF AMERICA,

Defendant

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2004 DEC -6 A 9: 58

Civil No. 04-cv-40193

U.S. DISTRICT COURT  
DISTRICT OF MASS.

**JOINT STATEMENT REGARDING PRETRIAL MATTERS**

Pursuant to Local Rule 16.1, Plaintiff Joan Smith and Defendant Unum Life Insurance Company of America file this Joint Statement Regarding Pretrial Matters. This matter involves the review of a denial of benefits under an ERISA-covered employee benefit plan.

**Proposed Scheduling Order**

The Parties propose the following schedule:

Defendant has provided Plaintiff with a copy of the Administrative Record.

If any party proposes that it is entitled to discovery or any evidentiary hearing, it must file a motion for leave to conduct such discovery or request an evidentiary hearing with the Court by January 15, 2005. Absent such a motion, there will be no discovery or evidentiary hearing in this action.

On or before February 15, 2005, both parties shall file with the Court their Cross-Motions for Judgment on the Administrative Record. If it appears that any motion for discovery or request for an evidentiary hearing will remain undecided by February 15,

2005, either party may move for an appropriate adjustment to the schedule for filing Cross-Motions for Judgment.

On or before March 15, 2005, the parties shall file their respective Oppositions to Cross-Motions for Judgment.

Oral argument on the parties' Cross-Motions to be scheduled by the Court:

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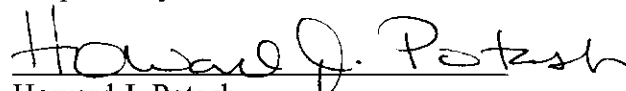
**Additional Matters**

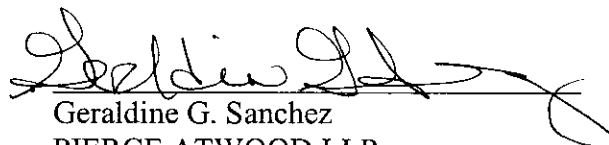
The parties' certifications pursuant to Local Rule 16.1(D)(3) will be filed under separate cover.

The parties do not agree to have this matter heard by a Magistrate Judge.

DATED: 12/3/04

Respectfully submitted,

  
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